

BOARD OF DESIGN REVIEW MINUTES

September 4, 2003

CALL TO ORDER: Chairman Mimi Doukas called the meeting to order at 6:31 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Mimi Doukas; Board Members Cecelia Antonio, Hal Beighley, Jennifer Shipley, Stewart Straus, and Jessica Weathers. Board Member Ronald Nardoza was excused.

Senior Planner John Osterberg, Associate Planner Sambo Kirkman and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Doukas read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

STAFF COMMUNICATIONS:

Senior Planner John Osterberg addressed the applicant's request for a continuance of DR 2003-0005 – Canyon Town Center Retail Building Design Review.

NEW BUSINESS:

PUBLIC HEARINGS:

I. DR 2003-0005 – CANYON TOWN CENTER RETAIL BUILDING DESIGN REVIEW

The applicant requests Design Review 3 approval for the subject site, including a speculative retail building, approximately 6,000 square feet in size, with associated parking and landscaping improvements.

Mr. Beighley **MOVED** and Ms. Antonio **SECONDED** a motion to continue DR 2003-0005 – Canyon Town Center Retail Building Design Review until a date certain of October 30, 2003.

Motion **CARRIED**, unanimously.

OLD BUSINESS:**CONTINUANCES:**

Chairman Doukas opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date.

6:37 p.m. – Mr. Straus arrived.

Observing that Mr. Straus has just arrived, Mr. Osterberg pointed out that he should be provided with the opportunity to disclose any conflict or ex parte conflict with regard to this application.

Noting that one of his clients owns and is in the process of selling a property in this area, Mr. Straus indicated that this would not affect his ability to participate in making a fair and impartial decision with regard to this proposal.

I. BDR 2002-0181 – MURRAY BOULEVARD EXTENSION DESIGN REVIEW

(Continued from August 28, 2003)

The applicant is requesting Design Review approval to extend SW Murray Boulevard to connect to SW Barrows Road with associated landscaping, lighting, retaining walls, and bridge crossings.

Associate Planner Sambo Kirkman presented the Staff Report, briefly discussed the proposal, and entered into the record several letters that she had received, as follows:

- To Melissa Williams from Michael Birndorf of *MGH Associates*, dated August 25, 2003, responding to her concerns with regard to the proposal;
- To Linda Erickson from Michael Birndorf of *MGH Associates*, dated August 25, 2003, responding to her concerns with regard to the proposal; and
- From Holly Young, dated August 22, 2003, expressing opposition to the proposal.

Ms. Kirkman referred to page 1 of the Staff Report, observing that Tax Lot 390 should not be included in the description. Concluding, she

recommended approval of the application, including Conditions of Approval, and offered to respond to questions.

APPLICANT:

FRED GAST, representing *Polygon Northwest*, expressed his appreciation to his consulting team, staff, and the neighbors for their efforts and involvement in the preparation of this proposal. Observing that this project initially began in 1997, he pointed out that this extension provides what he considers a vital link in the creation of a vibrant town center. He explained that this link provides a major portion of the connectivity between the City of Beaverton and the City of Tigard, emphasizing that Washington County has been involved from the very beginning. He mentioned that the City of Tigard has developed a great deal of their infrastructure based upon the notion that this extension would be a link to the future, adding that this link has not occurred at this time because there was a prerequisite construction of Beef Bend Road, which is now known as Roy Rogers Road.

Emphasizing that any development involves balancing several competing interests, Mr. Gast explained that the two significant interests with this project are environment versus roads, adding that the issue of roads involves neighborhood interaction. Referring to the environmental issue, he pointed out that while these issues are generally the responsibility of Clean Water Services (CWS), the Army Corps of Engineers, and the Department of State Lands (DSL), this issue did play a role in the design elements of this proposal. He noted that the primary objective with this particular crossing was to minimize the impact to the resources from an environmental standpoint, emphasizing that a great deal of effort had gone into the design in order to create a minimal impact on the environment. Observing that the neighborhood concerns and issues also had to be balanced, he noted that it is important to provide clear expectations of what could occur in the future. He explained that the applicant had included a disclosure statement within their documents clarifying to any prospective purchasers that SW Murray Boulevard involved this future improvement, adding that this information was included in their brochures, plans, and materials, and attached to the sale agreement. He mentioned that the potential buffering and screening of SW Murray Boulevard had been discussed with the neighborhood, adding that the applicant is waiting for some feedback from their board. Concluding, he emphasized that this applicant attempts to address the neighborhood concerns more thoroughly than another potential developer.

MIKE MILLER, representing *MGH Associates*, on behalf of the applicant, *Polygon Northwest*, mentioned that this proposal would provide a major north/south connection between two major communities, the City of Beaverton and the City of Tigard, involving approximately 15,000 vehicular trips on a daily basis. He noted that this would be more than a vehicular connection, adding that it should provide connectivity and access to an open space for both bicycles and pedestrians as well. Observing that three different ownerships are involved, specifically Tualatin Hills Park and Recreation District (THPRD), Washington County, and the City of Beaverton, he mentioned that a portion of this area has already been created through other developments. He explained that the applicant had been concerned with certain major objectives with regard to this proposal, including minimizing the environmental impact to the wetland, which involves narrowing the facility from four to five lanes to only two lanes for a great deal of the distance. He explained that the total impact is less than 0.4 acres, adding that the amount of mitigation or enhancement is actually greater than two acres, which creates a mitigation ratio of 5:1 for the impacted area. He mentioned that the applicant had attempted to alternate the landscape treatment and the crossing, creating a rhythm, adding that some of the trees are located next to the road and some on the outboard side, which creates some pedestrian refuge areas. Observing that 700 trees would be planted, he pointed out that the plan includes an overlook area to be maintained by Tualatin Hills Park & Recreation District (THPRD). He described the various details of the improvements to the wetlands, adding that the applicant hopes that the public will be inspired to go out and view the wetlands. Concluding, he noted that the entire team is available to respond to questions.

Chairman Doukas pointed out that she should disclose that she was involved in the Fountain Court development that abuts this proposed street extension, adding that she had met with both Washington County and the Scholls Creek Condominium Association in a Neighborhood Meeting with regard to that development. Observing that she is comfortable with her ability to participate in a fair and impartial decision with regard to this proposal, she expressed her opinion that she has been provided with additional background information pertaining to this extension. On question, no one expressed concern with her participation in this hearing.

Referring to the arches in the bridge design, Chairman Doukas requested clarification with regard to the location of these arches and their relationship to the edges of the wetland.

Mr. Miller indicated the location of the boundaries of the arches on the illustration and described the physical characteristics and location of these arches.

Observing that the Comprehensive Plan and Transportation System Plan include some very specific standards with regard to the street geometry for SW Murray Boulevard, Chairman Doukas questioned whether there has been any discussion regarding the possibility of going curb-tight with the sidewalk and adding the landscaping to the outside to relate more appropriately to the more natural area. She pointed out that this would allow the applicant to slope down and provide for an improved transition.

Mr. Miller mentioned that the applicant did narrow the cross section of the sidewalk across the bridge to eight feet.

Mr. Gast explained that some of the sidewalks are wider than normal.

Chairman Doukas observed that she understands that the applicant has narrowed the cross section in several spots and questioned whether they have proposed right-of-way dedication for a five lane section in the event that it is necessary to widen this facility at some future point.

Mr. Gast advised Chairman Doukas that the right-of-way already exists and had been planned out in the Transportation System Plan.

Ms. Doukas requested clarification with regard to the involvement of the three jurisdictions, specifically whether THPRD actually owns some of the wetland area.

Mr. Gast informed Ms. Doukas that both THPRD and Washington County own some of the land involved.

Ms. Weathers questioned whether any pedestrian paths exist in the wetland area at this time.

Mr. Gast advised Ms. Weathers that there are some existing paths, similar to the paths of THPRD.

Mr. Miller explained that these paths are basically informal trails.

Ms. Weathers questioned whether there are any plans to provide better trails at some point.

Mr. Gast discussed a trail that is primarily located on the western side of the creek, adding that this is currently included in the THPRD Master Plan that the applicant link the trails through the development of the Progress Quarry site. He noted that there are no plans for additional paths within the buffer area at this time.

Ms. Shipley requested information with regard to the maintenance of the wetlands area.

Mr. Gast explained that through the permitting process, DSL requires a maintenance program for this land for a period of five years.

PUBLIC TESTIMONY:

PATRICIA KATHLEEN McPHERSON mentioned that she lives in the Scholls Creek Condominiums, noting that her greatest concern involves the noise level in this little ravine or gully. She explained that the traffic echoes through this area like a megaphone, noting that she is not certain that this issue has been taken into consideration. Observing that she is concerned with the local wildlife, she pointed out that this area provides a source of food and water for the animals living in this area. Emphasizing that this is a decision that was made 20 years ago by different people at a different time and a different place, she expressed her opinion that the location of this extension should be reconsidered.

SARAH M. PULLEN noted that she is a resident of the Scholls Creek Condominiums and realizes that this particular proposal has been underway since 1996, a great deal of other development has occurred in the area since that time. She observed that she does not believe that this extension is the solution to the overall congestion because of increased traffic and congestion through and around Scholls Creek Condominiums and other neighborhoods increase vandalism on the property surrounding this extension, significantly increases noise, light, and dirt within 50 feet of the property lines. She explained that this development would involve the loss of a magnificent stand of greater than 100 Evergreen trees that will not survive the removal of the other trees on which they depend. She mentioned that this piece of property is a wetland, including Summer Creek, which has deer, hawks, coyotes, fish, and other wildlife. She expressed her specific concerns with this proposal, including the survival of trees and plant life, the wetlands, and wildlife that exists within this natural habitat, adding that she would like certain noise mitigation to be considered.

Ms. Doukas requested clarification with regard to Ms. Pullen's comment concerning noise abatement.

Ms. Pullen suggested that the City of Beaverton should add walls along the southwest edge of the property to provide some mitigation for the noise. She pointed out that material for the walls should be bricks, cement, or some other dense material, possibly eight feet in height.

LINDA ERICKSON mentioned that she is a resident of Scholls Creek Condominiums, adding that she had submitted a letter highlighting the majority of her concerns. She expressed her concern with wildlife and trees, observing that many of the trees that *Polygon Northwest* has indicated would survive in the past had not due to root damage.

HELEN ANDERSON noted that she lives at Scholls Creek Condominiums and is opposed to this proposal. She expressed her opinion that another alternative should be considered, emphasizing that she is concerned with both trees and wildlife. She questioned whether all other possibilities been exhausted and mentioned a proposal for SW Davies Road to connect onto SW Barrows Road, noting that with this proposal, SW Barrows Road would no longer provide a thoroughfare.

Ms. Doukas mentioned Ms. Anderson's reference to alternate locations, emphasizing that because this location is actually on the Comprehensive Plan, relocating this facility is not an option, adding that this document provides the long-range planning established by the City of Beaverton.

DIANNE McEWAN stated that she lives at Scholls Creek Condominiums, noting that while most of her concerns have been addressed, one concern that has not been mentioned is that SW Barrows Road is a two-lane highway that is kind of dark and dangerous with no sidewalks. She pointed out that she has concerns with the additional traffic on this road, expressing her opinion that this would significantly impact the safety of that area.

Chairman Doukas advised Ms. McEwan that while it is linked to the Progress Quarry development, this specific application involves a street extension, which would create a new route, rather than a new destination that would generate project.

MONICA KOIV mentioned that she is a resident of Scholls Creek Condominiums, adding that she has never been able to obtain

information with regard to what the back yards would look like when this project is completed.

Ms. Doukas advised Ms. Koiv that the applicant would have the opportunity to respond to her questions during the rebuttal period.

Ms. Koiv emphasized that she is certain that big business would win, adding that the lowly homeowners and taxpayers would lose.

Ms. Shipley questioned whether Ms. Koiv was aware of the potential connection when she purchased her property.

Ms. Koiv emphasized that she had been aware only that that this connection was potential.

APPLICANT REBUTTAL:

Observing that his position is difficult because those who spoke in opposition are his customers, Mr. Gast emphasized that while he is attempting to be diplomatic, these impacts don't involve new issues connected with the proposed development. Referring to the wildlife and environment, he agreed that they provide very nice resources, adding that these resources create a good area for development. He pointed out that the residents of Reflections had attended the hearing and objected to the Scholls Creek Condominiums, noting that these were his previous customers and that their neighbors had the same objections to their development. He described the applicant's efforts to create a design that would address the needs and concerns of the neighbors as much as possible, adding that although it is not a requirement, he has an application for screening to submit as part of the record at this time.

Mr. Beighley pointed out that neighborhood support is generally part of the approval process.

Mr. Straus requested a description of the landscape design within the project along the edge abutting the condominiums, adding that there appears to be a string of street trees.

Mr. Gast advised Mr. Straus that he is correct, adding that because the City of Beaverton does not typically approve of fencing within the public right-of-way, the applicant does not have a great deal of latitude in this area.

Following a discussion of potential sound mitigation, Chairman Doukas questioned whether a noise study had been provided and whether a threshold exists with regard to requiring a noise study.

Mr. Osterberg responded that he is not certain why no noise study is available.

Chairman Doukas emphasized that without a specific threshold providing criterion, it is not possible to discuss noise mitigation

Mr. Straus pointed out that private development has a requirement involving no greater than 55 decibels at the property line, expressing his opinion that the same criteria should be applicable to this proposal.

Mr. Gast explained that although *Polygon Northwest* has done a great deal of development within the City of Beaverton, they have never been required to provide a noise study in the past, in spite of the fact that development does create a great deal of noise.

Mr. Straus noted that he is generally familiar with the Department of Environmental Quality (DEQ) standard of no more than 55 decibels at the property line, and pointed out that DEQ has a daytime standard of 55 decibels and a nighttime standard of 50 decibels. He emphasized that a sound engineer should be available to provide adequate information with regard to a noise study.

Chairman Doukas explained that there is no specific standard with regard to noise for the City of Beaverton.

Mr. Straus mentioned that past applications had referenced DEQ standards with regard to approval criteria.

Chairman Doukas noted that she is concerned with attempting to mitigate a proposal that has been ongoing for four years, emphasizing that this involves the potential mitigation of a planned facility that is adjacent to development that occurred after the facility was planned.

MARK BUTORAC, representing *Kittelson & Associates*, on behalf of the applicant, *Polygon Northwest*, explained that issues with regard to sound involve perception. He pointed out that when SW Murray Boulevard is extended, it would carry approximately the same traffic that is currently carried on SW Barrows Road at this time. He explained that the condominiums fronting SW Barrows Road will experience the same noise level as those that front SW Murray

Boulevard, emphasizing that this would not create a noise level that is greater than the norm in that area. Observing that while he is not a sound engineer he does deal with noise issues, he noted that the noise level on SW Barrows Road does not currently exceed 55 decibels and explained that it is unlikely that the noise level on SW Murray Boulevard would exceed this noise level as well.

Mr. Straus reminded Mr. Butorac that he is not a sound expert, adding that he is providing a subjective evaluation of the situation. He pointed out that the Board is attempting to obtain facts, or quantitative information that can support an argument.

Mr. Gast advised Mr. Straus that there is no evidence indicating that the sound level would be greater than 55 decibels.

Mr. Butorac indicated that there is evidence that the noise levels would be no greater than those experienced on SW Barrows Road at this time.

Ms. Doukas noted that there is no criterion requiring the applicant to submit a noise study.

Observing that he wants to make certain that it is in the record that the Board addressed these issues, Mr. Straus noted that public concern is an important issue.

Mr. Gast emphasized that the applicant has made every reasonable effort to address the issues, including reducing the scale of this facility as much as possible.

Ms. Shipley requested further information with regard to the wildlife in the area during the construction of this facility.

Observing that there are wetland areas and upland areas, Mr. Gast pointed out that because the upland areas are less sensitive than the significant natural wetland areas, work in the wetlands would occur mainly during the months from July until September. He explained that at this time, there is a low flow within the stream, allowing for the least amount of disturbance possible, adding that erosion control measures are also involved. He emphasized that getting through the entire process as quickly as possible creates the least amount of impact on the wildlife in this area.

Ms. Shipley requested clarification of the difference between the current natural state and why it is not a desired condition for the wetland.

MARTIN SCHOTT, representing *Schott & Associates*, introduced himself as a wetlands biologist, responding that the majority of the wetland area has Oregon reed canary grass, which is dense and thick. He pointed out that he had discovered no trails during his field work, noting that the reed canary grass, which is an introduced species, is very invasive and forms a dense culture that prevents the native trees, shrubs, and grasses from reestablishing in the area. He explained that the native species most likely involved an Ash/Willow forest, with a series of small stream channels throughout this very broad, flat area. He noted that the applicant has proposed aquatic merges, including bulrush cattails and other native wetland trees and shrubs.

Ms. Shipley requested information with regard to the potential impact to the existing wildlife that resides within this habitat.

Mr. Schott advised Ms. Shipley that due to the existing reed canary grass, these wetlands provide a very low quality wildlife habitat, with a limited food supply. He pointed out that a greater variety of wildlife requires a greater diversity of habitat structure, including food, adding that these animals adapt quickly and would typically move into adjacent areas. He explained that while there would be a short-term displacement, the proposed mitigation should balance the situation, creating a smaller but better habitat, adding that the mitigation will compensate for the short-term impact.

Ms. Weathers referred to the Significant Tree Grove where the animals live.

Mr. Schott clarified that while this is not the main area that the animals live in, this Significant Tree Grove does provide the best habitat. He explained that depending upon the species, there are animals that live throughout the entire area, adding that they are seeking protection from the elements during inclement weather.

Mr. Gast pointed out that the strategy had been to provide the least amount of impact to the resources overall within a confined area.

Ms. Weathers requested clarification with regard to the percentage of the tree area would be eliminated.

Mr. Schott responded that approximately 50% of those trees would be eliminated.

Ms. Weather questioned how the roots of the remaining trees would be protected.

Mr. Schott pointed out that the arborist would have to respond to this question.

Chairman Doukas noted that a Condition of Approval has been recommended requiring compliance with the arborist's tree protection plan.

Mr. Gast interjected that while 37% of the trees would be preserved, approximately 700 additional trees would be planted throughout the entire area.

Ms. Weathers questioned whether replacement food would be provided for the temporarily displaced animals.

Observing that he would not recommend providing food for these animals, Mr. Schott emphasized that this action would serve to attract the undesirables such as rats and nutria. He pointed out that adequate coverage for the entire area is a greater concern than the food supply, emphasizing that the impact would be short-term and that these animals would benefit in the long-term.

Ms. Weathers requested information with regard to the anticipated time line for construction activities.

Mr. Gast advised Ms. Weathers that the construction of this improvement could occur as early as July 2004, adding that completion could most likely occur within five months.

Ms. Shipley questioned whether any potentially endangered or sensitive animal species live within that area.

Mr. Schott assured Ms. Shipley that there are no endangered species living within this area.

Ms. Kirkman indicated that she has no further comments with regard to this application.

Chairman Doukas expressed concern with the lack of a Condition of Approval providing for long-term maintenance of the trees and landscaping.

Observing that the street trees are within the public right-of-way, Ms. Kirkman noted that they would be maintained by the City, adding that the wetland area trees would be maintained by the property owner.

Chairman Doukas questioned whether there is any assurance with regard to this long-term maintenance of the trees and landscaping.

Ms. Kirkman advised Chairman Doukas that a Condition of Approval providing for the long-term maintenance of the trees and landscaping can be included within the land use order.

Chairman Doukas referred to Condition of Approval No. 13, which addresses trash and trash enclosures, observing that this generally involves a different type of development.

Observing that this is a general Condition of Approval, Ms. Kirkman pointed out that it should be eliminated, along with Condition of Approval No. 12, which addresses mechanical equipment.

Mr. Straus mentioned that Condition of Approval No. 15 pertaining to mailboxes should also be eliminated.

Ms. Kirkman agreed that Condition of Approval No. 15 and Condition of Approval No. 16, which addresses signs, should be eliminated

Chairman Doukas mentioned the design standards within the right-of-way, specifically the fence/wall that has been proposed as a mitigation measure, and questioned whether this can be required within public right-of-way.

Mr. Osterberg advised Chairman Doukas that this requirement is within the purview of the Board, adding that while street design standards are available, he is not certain whether this proposed fence/wall would meet these standards. Emphasizing that there is no report from a sound engineer, he pointed out that the Board would have to speculate on what would be useful and effective to mitigate this noise. He explained that he is not certain whether this mitigation is either necessary or required, adding that even if it is necessary, he is not certain how this would be accomplished.

Ms. Shipley requested an example of another two-lane road that includes sound walls.

Mr. Osterberg informed Ms. Shipley that he is not familiar with such a facility, although some of the four-lane roads have sound walls.

Chairman Doukas emphasized that the City of Beaverton has not determined specific criteria with regard to thresholds for noise levels.

The public portion of the Public Hearing was closed.

Chairman Doukas explained that there is a reason that this criteria has not been established, observing that the ongoing development would result in sound walls throughout the entire City of Beaverton. She pointed out that while she understands the sensitivity or residential development with regard to noise issues, this is a community and it is necessary to create this infrastructure. Noting that it is not always possible to control the noise, it is possible to mitigate the visual impact and create a livable community.

Ms. Shipley pointed out that there had been no discussion with regard to the appearance of the retaining wall.

Chairman Doukas explained that the drawing indicates that the retaining wall would be segmented, adding that it appears to match the design of the arch.

Ms. Shipley expressed her opinion that this facility could have consisted of four or five lanes at some point without creating any significant issues, adding that the two lanes actually provides some noise mitigation. Observing that this proposal is a sensitive solution, she pointed out that the five wildlife passages along with the stream effect would provide more than what would be required.

Chairman Doukas noted that this proposal is a great design, adding that another facility would not include the nice little treatments. She mentioned that the applicant is providing a very attractive and aesthetically pleasing street facility.

Ms. Kirkman noted that staff suggests that any Condition of Approval providing for a fence on top of the wall should require the approval of the City Traffic Engineer.

Mr. Beighley **MOVED** to **APPROVE** BDR 2002-0181 – Murray Boulevard Extension Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found

in the Staff Report dated August 21, 2003, including Conditions of Approval Nos. 1 through 20, with the deletion of Conditions of Approval Nos. 12, 13, 15, and 16, as follows:

- ~~12. All mechanical equipment, vents, and utility meters shall be screened from public view and made an integral part of the structure.~~
- ~~13. The site shall be kept clean at all times and all trash shall be stored within the building or within the exterior opaque enclosures and be gated. The design and materials of the trash enclosures shall be compatible with the subject development and shall be a minimum of six feet in height.~~
- ~~15. The installation and location of all mailboxes shall be incorporated and made an integral part of any proposal.~~
- ~~16. No A-frame signs or other incidental signs, price signs, "open" or "closed" signs, flags or banners, or special product advertising shall be erected on a permanent or temporary basis. No window signs in excess of 20% of the window area are permitted at any time.~~

and including additional Conditions of Approval, as follows:

- 21. Requiring a six-foot vinyl-coated chain-link fence on top of the proposed retaining wall, with sight-obscuring slats. The chain-link fence is to have the approval of the City Traffic Engineer.
- 22. Add landscape material and irrigation between the back of the sidewalk and the face of the retaining wall.

Ms. Shipley expressed concern with the landscape maintenance.

Ms. Kirkman recommended that Condition of Approval No. 4 be amended, as follows:

All landscaping required and approved by the Board shall be installed prior to **the opening of the Murray Boulevard Extension.** ~~issuance of occupancy permits unless security equal to 110 percent of the cost of the landscaping is filed with the City assuring such installation within six months of occupancy. All security bonds submitted must itemize major items in terms of cost.~~

Chairman Doukas pointed out that this does not involve a maintenance issue.

Mr. Osterberg observed that there is typically no Condition of Approval involving long-term maintenance.

Chairman Doukas questioned whether a one year performance guarantee is in effect.

Mr. Osterberg stated that a one year performance guarantee is available upon request by the applicant.

Chairman Doukas questioned why an applicant would request an additional requirement for the maintenance of the landscaping.

Mr. Osterberg noted that this involves the last sentence of Condition of Approval No. 4.

Chairman Doukas explained that Condition of Approval No. 4 involves the "in lieu of" fee, emphasizing that she is concerned with a one-year maintenance period following installation of the landscaping in order to make certain that none of the plant material dies.

Ms. Shipley mentioned that the Department of State Lands (DSL) provides for a five-year maintenance requirement, adding that the applicant is bound by this agreement without any requirement through the City of Beaverton.

Mr. Straus **SECONDED** the motion.

Observing that she does not approve of the chain-link vinyl-coated fence, Ms. Shipley amended Condition of Approval No. 21, as follows:

21. Requiring a six-foot ~~vinyl-coated—chain-link~~ **sight-obscuring wooden** fence on top of the proposed retaining wall, with sight-obscuring slats. The ~~chain-link~~ **wooden** fence is to have the approval of the City Traffic Engineer.

Mr. Beighley **ACCEPTED** Ms. Shipley's amendment to his motion.

Mr. Straus **ACCEPTED** the amendment to the motion he had seconded.

Motion, as amended, **CARRIED** by the following roll call vote:

AYES: Beighley, Straus, Antonio, Shipley, Weathers, and
Doukas.

NAYS: None.

ABSTAIN: None.

ABSENT: Nardozza.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 8:49 PM.